



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,852	10/30/2003	Martin Weiss	20073	2851
23470	7590	01/05/2006	EXAMINER	
SRAM CORPORATION 1333 N. KINGSBURY, 4TH FLOOR CHICAGO, IL 60622			LUONG, VINH	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/605,852		WEISS, MARTIN	
	Examiner		Art Unit	
	Vinh T. Luong		3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 1-14, 20 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-19 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/13/04 & 10/30/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


Vinh T. Luong
Primary Examiner

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Attachment</u> . |

1. Applicant's election with traverse of the species of Fig. 3 in the reply filed on November 2, 2005 is acknowledged. The traversal is on the ground(s) that: (a) claim 15 is a generic claim that reads on each of the species of Figs. 3-5; and (b) each of Figs. 3-5 includes all elements of claim 15. This is not found persuasive because of the reasons, e.g., listed below:

(a) The species are patentably distinct. Applicant apparently concedes to this fact since Applicant did not submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case; and/or

(b) Claim 15 is generic, but other claims may not be generic. For example, claim 19 recites the mutually exclusive characteristics, such as, "the retention segment includes at least two flexible segments extending substantially parallel" which under the disclosure is found in the species of Fig. 3 but not in the species of Figs. 1 and 2, meanwhile, claim 11 recites the mutually exclusive characteristics, such as, "at least one stop" which under the disclosure is found in the species of Figs. 4 and 5 but not in the species of Fig. 3 or the species of Figs. 1 and 2. See MPEP 806.04(f).

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-14, 20, and 24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on November 2, 2005.

3. The drawings were received on December 13, 2004. These drawings are unaccepted by the Examiner because of the reasons, e.g., listed below:

(a) The drawings are inconsistent with the specification or *vice versa*, e.g.,

Art Unit: 3682

paragraph [0027] of the specification describes the housing 4 in Fig. 3, however, Fig. 3 does not show the referential numeral 4; and

(b) The drawings do not comply with 37 CFR 1.84. See Form PTO-948 attached.

4. The drawings are objected to because:

(a) The drawings do not comply with 37 CFR 1.84 or 1.152. See Form PTO-948 attached; and

(b) Each part of the invention, such as, the operating mechanism in claim 15, the portion of control cable in claims 16 and 23, the first and second directions in claim 17, and the flutes in claim 18 should be designated by a referential numeral or character.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed features such as the housing of the operating mechanism and the support segment in claim 15, and the portion of the control cable in claims 16 and 23 must be shown or the features canceled from the claims. No new matter should be entered.

Fig. 3 shows only the retention segments 27. See paragraph [0027] of the specification.

6. The disclosure is objected to because of the following informalities: each part of the invention, such as, the operating mechanism in claim 15, the portion of control cable in claims 16 and 23, the first and second directions in claim 17, and the flutes in claim 18 should be designated by a referential numeral or character. Appropriate correction is required.

7. Claim 19 is objected to because of the following informalities: the claim contains typographical or grammatical error. See the recitation "the detent contour the adjuster" in line 4. Appropriate correction is required.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 15-19 and 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 recites: "a spring element having at least one retention segment and a support segment, the retention segment of the spring element engageable with the detent contour and the support segment of the spring element supported by the housing." It is unclear which structures in Fig. 3 define the support segment of the spring 26 and the housing in claim 15. Similarly, it is

Art Unit: 3682

unclear which structures in Fig. 3 define the portion of the control cable in claims 16 and 23, and the flutes in claim 18. Applicant is respectfully urged to identify each claimed element with reference to Fig. 3.

The term, such as, “engageable” in claim 15 is vague and indefinite in the sense that things, which may be done, are not required to be done. For example, the retention segment is engageable, but is not required structurally to be engaged with the detent contour. See “crimpable” and “discardable” in *Mathis v. Hydro Air Industries*, 1 USPQ2d 1513, 1527 (D.C. Calif. 1986), “removable” in *In re Burke Inc.*, 22 USPQ2d 1368, 1372 (D.C. Calif. 1992), and “comparable” in *Ex parte Anderson*, 21 USPQ2d 1241, 1249 (Bd. Pat. App. & Inter. 1992).

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 15-18, 21, and 22, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Yamashita (US Patent No. 5,946,978).

Regarding claim 15, Yamashita teaches a control cable adjustment device for adjusting a control cable 14 extending between a control mechanism 18 (Fig. 1) and an operating mechanism 16, the adjustment device comprising: an adjuster 40 (see, e.g., Fig. 12) rotatably connected to a housing 30 of the operating mechanism 16 such that the adjuster 40 is axially movable relative to the housing 30 in response to rotation of the adjuster 40; and a detent mechanism including a detent contour 80 extending along an interior surface (Fig. 7) of the adjuster 40 and a spring element 42 having at least one retention segment 93 and a support

Art Unit: 3682

segment 94, the retention segment 93 of the spring element 42 engageable with the detent contour 80 and the support segment 94 of the spring element 42 supported by the housing 30.

Ibid., Figs. 4 and 5 and col. 5, line 56 through col. 6, line 64.

Regarding claim 16, the detent contour 80 has a non-round cross section (Fig. 5) and is configured such that the retention segment 93 has freedom to deflect, the retention segment 93 is configured to extend substantially parallel with a portion of the control cable 14b extending through the adjuster 40. See Fig. 3.

Regarding claim 17, the detent contour 80 includes varying surfaces (Fig. 5, see Attachment) configured to engage the retention segment 93 such that rotation of the adjuster 40 in a first direction requires a higher rotational force than rotation of the adjuster in a second direction. *Ibid.*, col. 6, lines 24-64.

Regarding claim 18, the detent contour 80 has flutes 80 (Att.) extending in an axial direction of the adjuster 40.

Regarding claim 21, the retention segment 93 and the support segment 94 of the spring element 42 are loaded primarily flexurally.

Regarding claim 22, the adjuster 40 has a continuous periphery and a thread 78 for matingly engaging the housing 30, the detent contour 80 extends coaxially with the adjuster thread 78.

12. Claims 19 and 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Art Unit: 3682

13. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Okouchi (Figs. 1-24), Chen (spring 110 in Fig. 3), Mochida (spring 18), Toplis (spring 22), and Smith (slot 24) are cited.

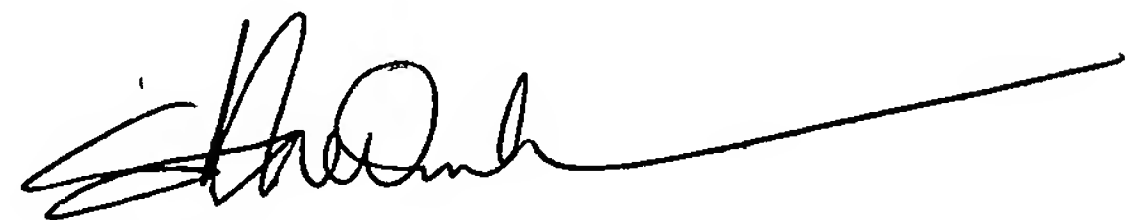
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 571-272-7109. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Luong

January 3, 2006



Vinh T. Luong
Primary Examiner

ATTACHMENT

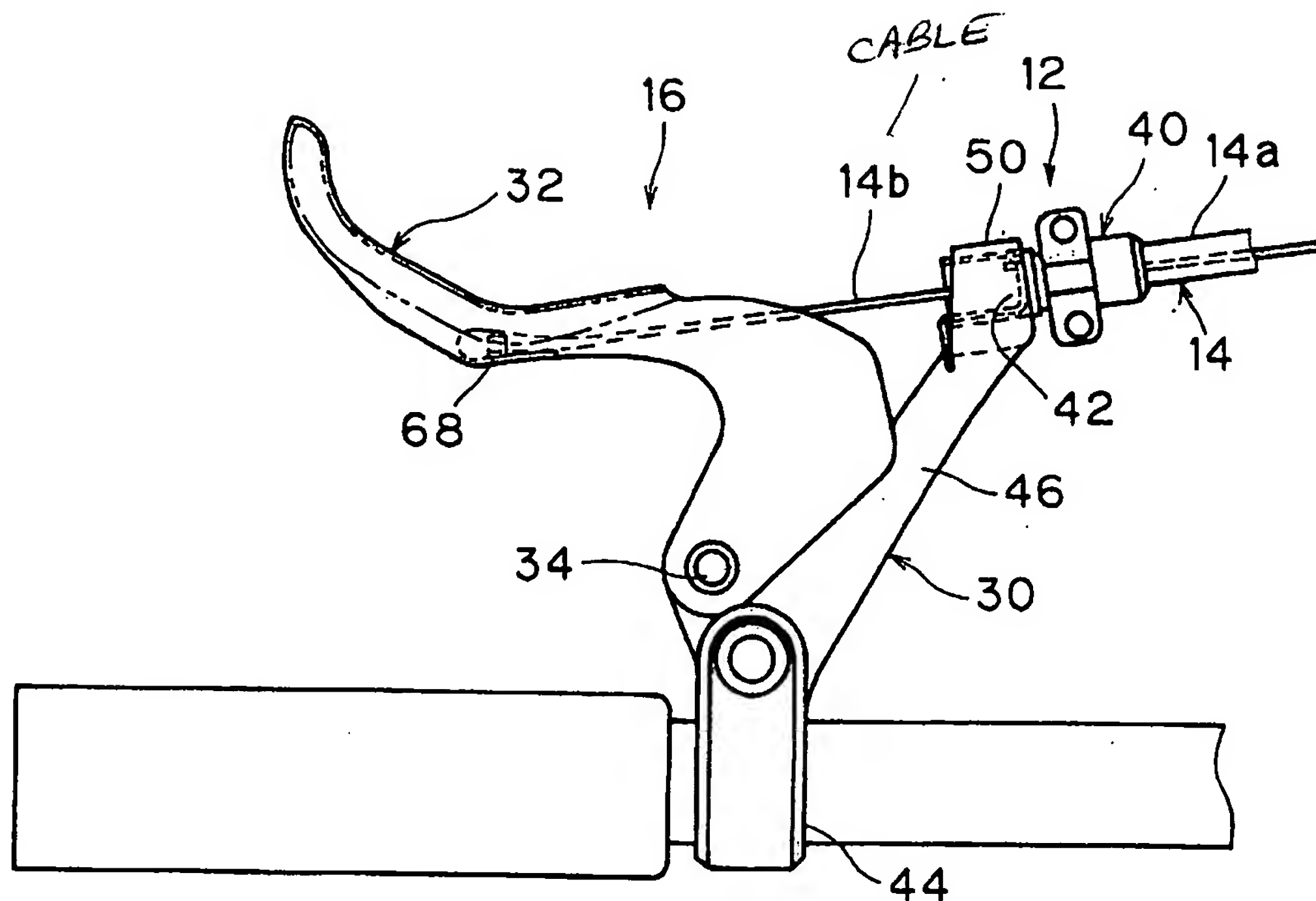


Fig. 3

VARYING SURFACES

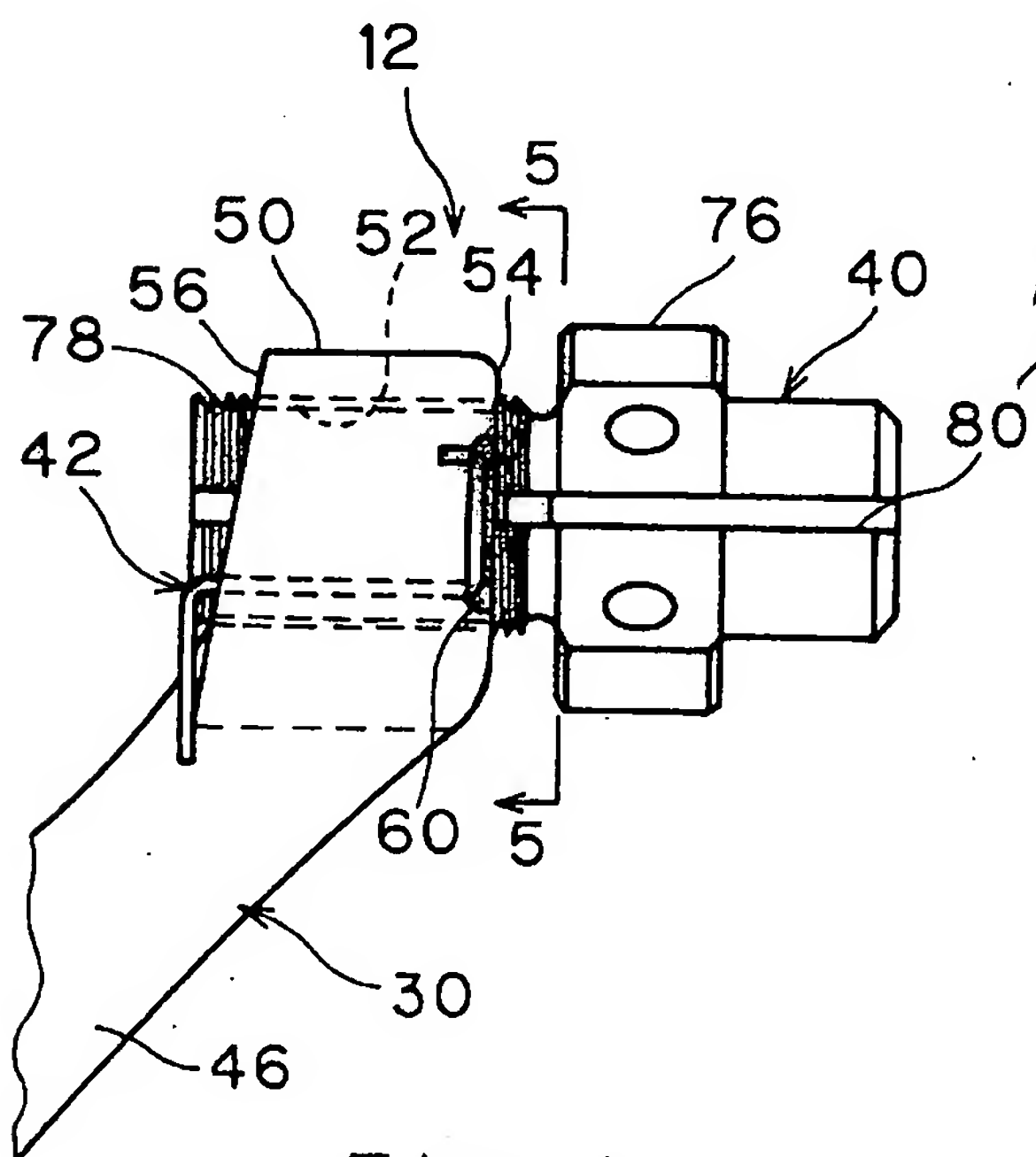


Fig. 4

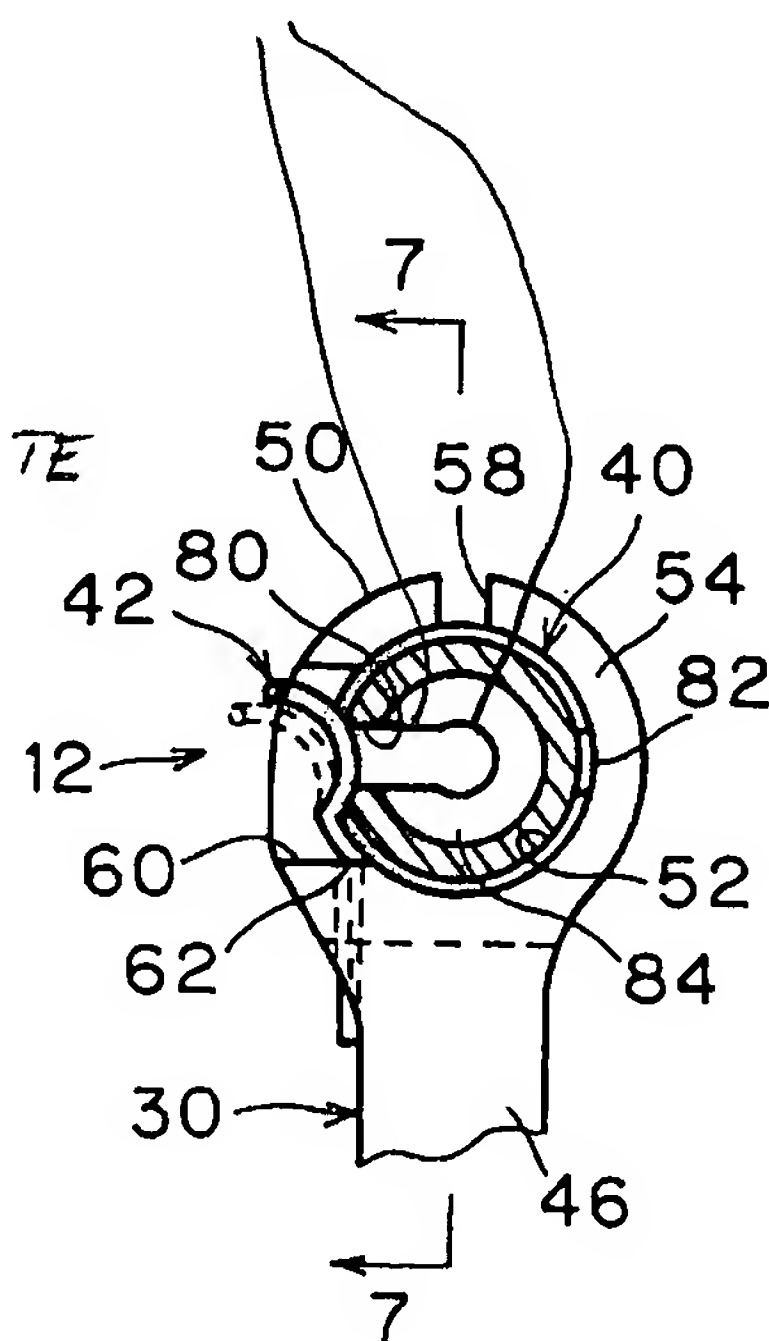


Fig. 5

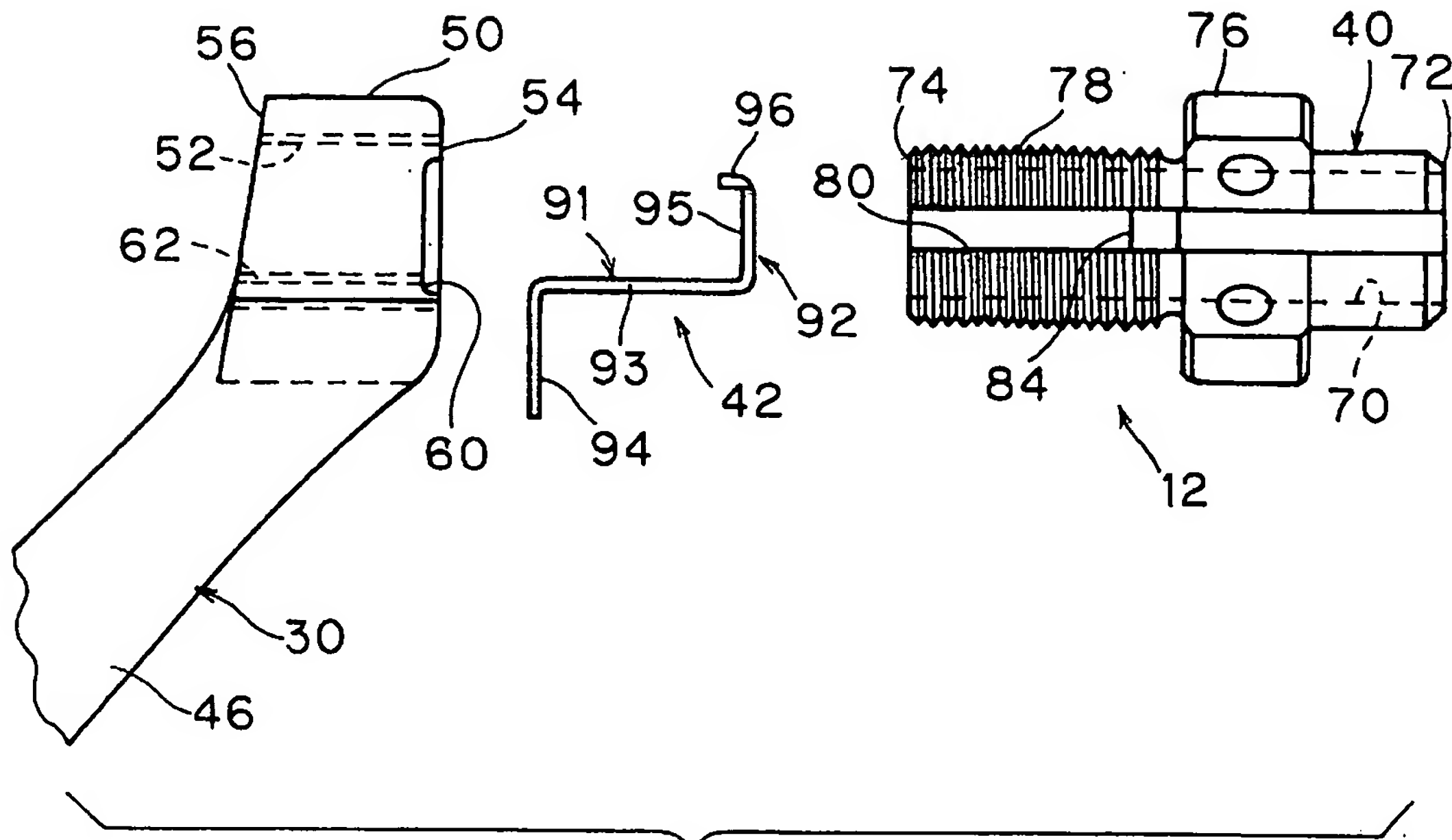


Fig. 6

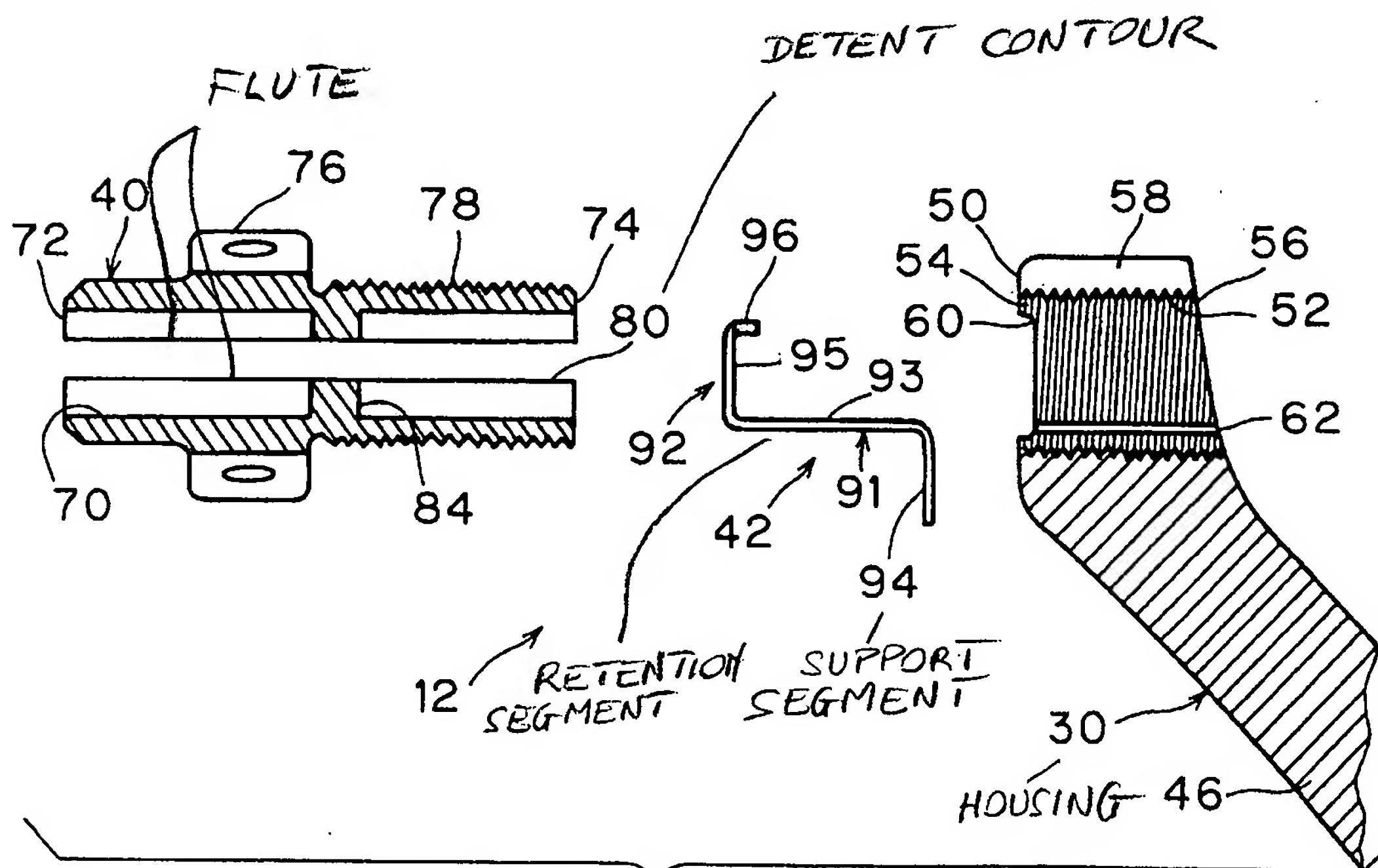


Fig. 7